



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/147,094 10/27/98 YAMASHITA

A P-7355-8002

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EXAMINER

SAJOUS, W

ART UNIT

PAPER NUMBER

2779

DATE MAILED: 03/30/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/147,094

Applicant(s)
Yamashita et al.

Examiner
WESNER SAJOUS

Group Art Unit
2779



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 4 and 5 is/are allowed.

☒ Claim(s) 1-3 and 6-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 10 is rejected under 35 U.S.C. 112, fourth paragraph, for failing to further limit the apparatus of claims 1, 2, or 6.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-3, 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Otsuki.

Considering claim 1, Otsuki discloses all claimed subject matter:

the claimed "means for displaying to discriminate a time zone..." is met by fig. 2, item 4, or fig. 9, item 8.

Regarding claim 2, the claimed "means for displaying to discriminate a time zone in which purchased program is present...and a time zone...is not present" is met by fig. 2, item 4, or fig. 5.

As per claim 3, the claimed "means for displaying in different colors a program guide belonging to a time zone...purchased program is present and a time zone... is not present..." is

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inherently met by fig. 2, item 4, or fig. 9, item 8, since "program2" is distinguished among the other programs and could be of different colors upon the cursor movement.

In claim 6, the claimed "setting means for allowing an arbitrary time zone" is met by fig. 2, items 5 and 6; and

the claimed "discriminatingly displaying means... time zone.." is met by fig. 2, item 4.

Re claim 7, the claimed "discriminatingly displaying means causes a region corresponding to the time zone..." is inherently met by fig. 2, item 4, or fig. 8.

In claims 8, and 9 the claimed "setting means allows the starting time and end time..." and the claimed "set for each day of the week by the user" are inherently disclosed in Otsuki's disclosure.

Claim 10 is rejected for the similar reasons as claim 1.

Allowable Subject Matter

3. Claims 4-5 are allowable over the art, because the prior art do not show the combination of a program-guide-display control apparatus that display the means to discriminate if a time zone in which a purchase program is present and a time zone in which the purchased program is not present so as to ensure that two or more PPV programs^{which} are broadcasted during the same time zone happen to be purchased are difficult to occur.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lopresti (5889506) and Klosterman (5940073) are some of the patents pertinent to applicant's disclosure.

Any response to this action should be mailed to :

Box

Commissioner of Patents and Trademarks
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or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 308-5399 (for informal or draft communications, please label "PROPOSED" or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308- 5857. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, supervisor, Mark R. Powell, can be reached at (703) 305-9703. The fax phone number for this group is (703) 308-6606.

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Wesley Sajous - WOS

Patent Examiner, art unit 2779

August 27, 1999


MARK R. POWELL
SUPERVISORY PATENT EXAMINER
GROUP 2700